

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 MICHAEL SCHNEIDER,

No. C 10-5753 WHA

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Petitioner,

14

vs.

**ORDER REGARDING
MOTION TO STAY ACTION**

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16 JIM MACDONALD, Warden at La
17 Palma Correctional Center (Eloy, AZ),
and MATTHEW CATE, Secretary of
18 California Department of Corrections
and Rehabilitation,

19 Respondents.
20 _____ /

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Petitioner, a prisoner currently incarcerated in Arizona, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 challenging a conviction in California state court. Petitioner concurrently filed a motion to stay this action pending exhaustion of state remedies. Apparently out of an abundance of caution stemming from concerns about the timeliness of the petition, petitioner filed this action concurrently with his petition for review of his state habeas petition in the California Supreme Court. He seeks a stay until that state petition is resolved.

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The Clerk shall mail a copy of this order, the petition with all exhibits, and petitioner's motion to stay proceedings, to respondents and the respondents' attorney, the Attorney General

1 of the State of California. Respondents shall please file a statement of opposition or
2 nonopposition to the motion to stay proceedings, by **JANUARY 4, 2011.**

3 **IT IS SO ORDERED.**

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5 Dated: December 21, 2010.
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Wm Alsup
7 WILLIAM ALSUP
8 UNITED STATES DISTRICT JUDGE
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